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6 Attorneys for Chapter 11 Trustee

RICHARD A. MARSHACK

7 UNITED STATES BANKRUPTCY COURT

8 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

9
10 In re

11
12 THE LITIGATION PRACTICE GROUP P.C.,

13 Debtor.

Case No: 8-23-bk-10571-SC

Chapter 11

STIPULATION FOR DISMISSAL OF
EMERGENCY MOTION FOR
ORDER AUTHORIZING THE CHAPTER
11 TRUSTEE TO ENTER INTO AN
EXPENSE REIMBURSEMENT
AGREEMENT WITH THE AD HOC
COMMITTEE

[MOTION – DK. NO. 102]

18 Hearing:

19 Date: June 28, 2023

Time: 11:00 A.M.

20 Ctrm: 5C¹

21 This stipulation (“Stipulation”) is entered into by and between Richard A. Marshack, in his
22 capacity as Chapter 11 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of The Litigation
23 Practice Group P.C. (“Debtor”), the Office of the United States Trustee (“UST”), and creditor
24 Carolyn Beech in her capacity as lead plaintiff of a class action lawsuit pending in Mississippi:

25
26
27 ¹ ZoomGov: Video and audio connection information for each hearing will be provided on Judge
28 Clarkson's publicly posted hearing calendar, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC>, and then selecting “Judge Clarkson” from the tab on the left-hand side of the page.

RECITALS

A. On March 20, 2023, The Litigation Practice Group (“Debtor”) filed a voluntary petition under Chapter 11 of Title 11 of the United States Code, initiating bankruptcy Case No. 8:23-bk-10571-SC in the United States Bankruptcy Court for the Central District of California, Santa Ana Division.

B. On March 30, 2023, as Dk. No. 21, the United States Trustee filed a motion to dismiss or convert the case under 11 U.S.C. § 1112(b) for failure to comply with the U.S. Trustee guidelines and requirements for a chapter 11 case.

C. On May 4, 2023, the Court entered an “Order Directing United States Trustee to Appoint Chapter 11 Trustee.” Docket No. 58. Richard A. Marshack was appointed as the Chapter 11 trustee of the Debtor’s estate. Docket Nos. 62-65. On May 8, 2023, Richard A. Marshack was appointed as the Chapter 11 Trustee.

D. On June 13, 2023, as Dk. No. 102, Trustee filed an Emergency Motion (“Motion”) for an Order Authorizing the Chapter 11 Trustee to Enter into an Expense Reimbursement Agreement with Ad Hoc Committee.

E. On June 13, 2023, as Dk. No. 103, Trustee filed an Application for Order Shortening Time for Motion to be Heard (“Application”).

F. On June 13, 2023, as Dk. No. 105, the Court entered an order granting the Application, setting the hearing on shortened time, and setting corresponding deadlines (“OST”).

G. On June 14, 2023, as Dk. No. 108, the Trustee filed a Notice of Emergency Motion and Emergency Motion for Order Authorizing the Chapter 11 Trustee to Enter Into an Expense Reimbursement Agreement with the Ad Hoc Committee (“Notice”).

H. On June 15, 2023, as Dk. No. 111, the Trustee filed a Notice of Errata re: the Motion (“Errata”).

I. On June 22, 2023, as Dk. No. 127, the United States Trustee filed an objection to the Motion (“Objection”).

J. On June 23, 2023, as Dk. No. 134, the United States Trustee filed an Appointment and Notice of Appointment of Official Committee of Unsecured Creditors. Currently, four of the

1 five members of the Committee are consumers. The United States Trustee agrees that if additional
2 members are appointed to the Committee, a majority of the Committee will remain consumers.

3 K. On June 26, 2023, as Dk. No. 144, Carolyn Beech filed an objection to the Motion
4 ("Beech Objection").

5 L. In light of the appointment of an official committee and the United States Trustee's
6 agreement that a majority of the Committee will remain consumers, Trustee seeks to dismiss the
7 Motion as moot.

8 Wherefore, the Parties STIPULATE as follows:

9 1. The Motion shall be voluntarily dismissed under FRCP 41(a)(1)(A)(ii) and LBR
10 9013-1(k); and

11 2. The hearing on the Motion scheduled for June 28, 2023, at 11:00 a.m., shall be taken
12 off calendar without the need for appearances.

13
14 DATED: June 26, 2023

MARSHACK HAYS LLP

/s/ D. Edward Hays

15 By:

16 D. EDWARD HAYS

17 LAILA MASUD

Attorneys for Chapter 11 Trustee

18 RICHARD A. MARSHACK

19
20 DATED: June 26, 2023

UNITED STATES TRUSTEE

21 By: 

22 KENNETH M. MISKEN

Assistant U.S. Trustee

23
24 DATED: June 26, 2023

SHIODA, LANGLEY & CHANG, LLP

25 By: 

26 CHRISTOPHER LANGLEY

Attorneys for Carolyn Beech

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14 DATED: June 26, 2023

MARSHACK HAYS LLP

/s/ D. Edward Hays

15 By: _____

16 D. EDWARD HAYS

17 LAILA MASUD

18 Attorneys for Chapter 11 Trustee

RICHARD A. MARSHACK

19
20 DATED: June 26, 2023

UNITED STATES TRUSTEE

21 By: _____

22 KENNETH M. MISKEN

23 Assistant U.S. Trustee

24 DATED: June 26, 2023

SHIODA, LANGLEY & CHANG, LLP

25 By:  _____

26 CHRISTOPHER LANGLEY

27 Attorneys for Carolyn Beech

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **STIPULATION FOR DISMISSAL OF EMERGENCY MOTION FOR ORDER AUTHORIZING THE CHAPTER 11 TRUSTEE TO ENTER INTO AN EXPENSE REIMBURSEMENT AGREEMENT WITH THE AD HOC COMMITTEE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 26, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **June 26, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**MAIL REDIRECTED TO TRUSTEE
DEBTOR**

THE LITIGATION PRACTICE GROUP P.C.
ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR
TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT
OR LAW TO RECEIVE SERVICE OF PROCESS
17542 17TH STREET, SUITE 100
TUSTIN, CA 92780

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 26, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 26, 2023
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **Eric Bensamochan** eric@eblawfirm.us, G63723@notify.cincompass.com
- **ATTORNEY FOR CREDITOR SDCO TUSTIN EXECUTIVE CENTER, INC.:** Ronald K Brown ron@rkbrownlaw.com
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- **INTERESTED PARTY COURTESY NEF:** Shawn M Christianson cmcintire@buchalter.com, schristianson@buchalter.com
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- **ATTORNEY FOR CREDITOR CITY CAPITAL NY:** Alan Craig Hochheiser ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
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- **CHAPTER 11 TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
- **ATTORNEY FOR TRUSTEE:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **US TRUSTEE: Kenneth Miskin** Kenneth.M.Miskin@usdoj.gov
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- **US TRUSTEE:** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
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